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ABSTRACT

Regulations promulgated in accordance with the authority provided the Office of Cable Television, Board of Public Utility Commissioners, State of New Jersey, to regulate cable television in the public interest are set forth. These apply to cable television (CATV) companies which own, control, operate, or manage cable television systems and to municipalities, cities, or countries where applicable. A set of definitions is provided, followed by detailed regulations concerning: 1) physical plant construction and operation; 2) the provision of adequate, economical and efficient service; 3) testing of service; 4) the maintenance of offices; 5) record keeping; 6) billing and payment for services; 7) liability insurance; 8) extensions of service; 9) technical standards for system operation; and 10) applications by CATV companies for municipal consent. (LB)

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STATE of NEW JERSEY

DEPARTMENT OF PUBLIC UTILITIES
BOARD OF PUBLIC UTILITY COMMISSIONERS

OFFICE OF CABLE TELEVISION

REGULATIONS

U.S. DEPARTMENT OF HEALTH, EDUCATION & WELFARE
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14:500 SCOPE OF REGULATIONS

These regulations are promulgated in accordance with the authority provided the Office of Cable Television, Board of Public Utility Commissioners under N.J.S.A. 48:5A-1 et seq. to regulate cable television corporations in the public interest.

The purpose and intent of these regulations is to enforce the statutory mandate of the Legislature, which directs the Office of Cable Television, Board of Public Utility Commissioners, to promulgate rules and regulations necessary to effect the purposes of the act.

These regulations apply to:

A. Cable Television companies which own, control, operate or manage a cable television system.

B. Municipalities, cities and counties where applicable.

14:501 DEFINITIONS

The following words and terms, when used in these regulations, shall have the meaning indicated:

14:501-1 Board - Board of Public Utility Commissioners, Department of Public Utilities, as defined by N.J.S.A. 48:1-1 et seq.

14:501-2 Office - The Office of Cable Television established by N.J.S.A. 48:5A-1 et seq.

14:501-3 Director - The Director of the Office of Cable Television.

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14:501-4 Cable Television Company or CATV Company - Any person owning, controlling, operating or managing a cable television system.

14:501-5 Cable Television Reception Service - The simultaneous delivery through a CATV system of the signals of television broadcast stations to members of the public subscribing to such service, which service may include additional nonbroadcast signals delivered as a part of the service with no additional charge.

14:501-6 Cable Communications System - Any communications service other than cable television reception service delivered through the facilities of a CATV system and for which charges in addition to or other than those made for cable television reception service are made or proposed to be made.

14:501-7 Cable Television System or CATV System - Any facility within this State which is operated or intended to be operated to perform the service of receiving and amplifying the signals broadcast by one or more television stations and redistributing such signals by wire, cable or other device or means for accomplishing such redistribution, to members of the public who subscribe to such service, or distributing through its facility any television signals whether broadcast or not; or any part of such facility. The term "facility" as used in this subsection includes all real property, antennae, poles, wires, cables, conduits, amplifiers, instruments, appliances, fixtures and other personal property used by a CATV company in providing service to its subscribers and customers.

14:501-8 Person - Any individual or group of individuals or any agency or instrumentality of the State of New Jersey or of any of

its political subdivisions; but this definition shall not include a telephone, telegraph or electric utility company regulated by the Board where it merely leases or rents or otherwise provides to a CATV company wires, conduits, cables or pole space used in the redistribution of broadcast signals to or toward subscribers or customers of such CATV company.

14:501-9 Customer or Subscriber - Any individual, partnership, firm, corporation, governmental subdivision or agency receiving service from a CATV company.

14:501-10 F.C.C. - Federal Communications Commission.

14:501-11 Certificate of Approval - A certificate issued, or which may be issued, by the Board upon the recommendation of the Director pursuant to N.J.S.A. 48:5A-1 et seq.

14:501-12 Class I, Class II, Class III and Class IV Cable Television Channels - Signaling paths as defined in Subpart A, Section 76.51, Subsections z, aa, bb, and cc, respectively, of the FCC Rules and Regulations adopted on February 2, 1972.

14:501-13 Certificate of Compliance - A certificate issued, or which may be issued, by the FCC pursuant to Subpart B, Section 76.11 et seq., as applicable, of the FCC Rules and Regulations adopted on February 2, 1972, together with any amendments which have been or may be adopted.

14:502 PLANT

14:502-1 Plant Construction - EVery cable television company shall construct and install its facilities and equipment in accordance with the applicable provisions of the National Electric Safety Code, the National Electric Code, all federal,

state and local laws, and any pole, conduit or trench licensing agreements with utilities.

Every cable television company shall design its plant and facilities in a manner which will enable it to meet all technical standards of operation promulgated by the FCC or this Board.

Each CATV company shall make reasonable efforts to protect the public and its property from injury or damage and shall execute due care to reduce hazards to which employees, customers or the general public may be subjected by reasons of its equipment or facilities.

Every CATV company shall file with the Board, in association with its application for approval of municipal consent, a schedule of construction of its facilities. This schedule shall require significant completion of construction within one year of receipt of both the Certificate of Approval and the Certificate of Compliance.

14:502-1a Inspection of Work Performed by Contractors - To the extent necessary to assure compliance with safe practices, any construction work performed for a CATV company by contractors shall be inspected by a qualified representative of the CATV company before being placed in active service.

14:502-1b Construction in Existing Utility Rights-of-Way - Where practicable, every cable television company shall use existing electric and/or telephone utility rights-of-way and facilities.

In areas which are presently being provided with overhead utility service or which this Board has designated as areas

which may, in the future, be provided with overhead utility service, each CATV company wishing to serve therein may make arrangements with the utility or utilities owning the existing poles or structures for the joint use of these facilities.

In areas where electric and telephone utility distribution facilities are underground or are required by the Board to be placed underground, each CATV company wishing to provide service therein shall be required to install its cable underground.

14:502-2 Identification of Property

14:502-2a Building and Structures - Each group of buildings or structures shall be provided with a sign or suitable marking displaying the name of the operating cable television company.

14:502-2b Poles or Structures Supporting Wires or Cables-- Each CATV company owning solely or jointly (with a utility) poles or structures supporting wires or cables along or over public highways shall properly mark each such pole or structure with the initials of its name, abbreviation of its name, corporate symbol or other distinguishing mark or code by which ownership may be readily and definitely ascertained and with number or symbol or both by which the location of each such pole or structure may be determined on office records.

1. Such markings may be made with paint, brand or with a soft metal plate and the characters of the mark shall be of such size and so spaced and hereafter maintained as to be easily read.

2. In the case of joint ownership of any such structure by a CATV company and one or more utilities, the distinguishing mark or number of each owner shall be placed thereon. The numbering may be in accordance with a code which will indicate joint ownership.

3. In the case of such structures erected upon private rights-of-way or on public highways, of such character that the construction may be deemed to be a through or transmission truck line, such mark need be affixed only to every fifth structure, provided, however, that each and every structure situated within the limits of any "built-up" community shall be marked.

4. The requirements herein shall apply to all existing and future structures erected and to all changes in ownership and name.

5. Every such CATV company shall have available a statement showing:

a) The initials, abbreviations of name, corporate symbol or distinguishing mark.

b) The means of the marking employed.

c) The method followed in numbering structures, to wit, within the limits of cities, towns or other built-up communities, and upon through or transmission trunk lines.

6. Each CATV company should make reasonable efforts to prevent the placing upon its poles of any marks, signs, placards, bulletins, notices, or any other foreign object other than as provided in N.J.S.A. 27:5-1.

14:502-3 Maintenance of Plant, Equipment and Facilities - Every cable television company shall have and maintain its entire plant in such condition as will enable it to provide adequate, economical and efficient cable television service.

14:502-3a Inspection of Property - Each CATV company shall inspect its equipment and facilities at sufficiently frequent intervals to disclose conditions, if existing, which would interfere with efficient service and shall promptly take corrective action where conditions disclosed by such inspection so warrant.

Whenever any equipment is removed from the system for any reason, it shall be inspected as to safety and serviceability before being reinstalled in the same or other location.

Each pole, post, tower or other structure owned by the CATV company shall be inspected by the company owning it with sufficient frequency and comprehensiveness to disclose the necessity for replacement or repair in

order to maintain service in accordance with established practice.

14:502-4 Construction Work Near Cable Television Facilities - A CATV company shall endeavor, to the extent feasible and practicable, to obtain prompt notice and information concerning commencement and progress of construction work in close proximity to its facilities through contractors, government agencies, or others who may be permitted to perform construction work within the confines of its territory. Nothing herein shall affect the duties and obligations of persons working in the vicinity of high voltage lines as set forth in N.J.S.A. 34:6-47.1.

14:503 SERVICE

It shall be the duty of every CATV company to furnish and maintain adequate, economical and efficient service. These regulations do not limit the duties now imposed upon these companies, but merely serve to define such duties and to establish standards for their performance.

14:503-1 Applications - Applications by a customer for the establishment of service may be made at the CATV company office either in person, by mail or by telephone. If the CATV company requires a written application, the same may be subsequently submitted to the customer for signature.

When the only installation to be made by a CATV company is a drop line from the feeder cable to an applicant's building, such installation shall be made

within a reasonable time following receipt of the application; but, in no event shall such installation of service take longer than thirty days without good and sufficient reason.

14:503-2 Customer Information - Each CATV company shall, upon request, furnish its subscribers with such information as is reasonable, in order that the customers may obtain adequate, efficient and economical service.

Each CATV company shall inform its customers, where peculiar or unusual circumstances prevail, as to the conditions under which sufficient and satisfactory service may be secured from its system.

Each CATV company shall file with the Board, and keep open to public inspection, tariffs applicable to the services available, pursuant to the provisions of N.J.S.A. 48:5A-1 et seq., as applicable.

14:503-3 Permits - The CATV company, where necessary, shall make application for any street opening permits for installing its cables and shall not be required to furnish service until after such permits are granted. The municipal charge, as set forth in N.J.S.A. 48:5A-1, for use of the streets shall be paid annually by the CATV company.

14:503-4 Refusal to Connect - A CATV company may refuse to connect with any customer's installation when it is not in accordance with the standard terms and conditions of the tariff schedules of the CATV company furnishing the service which

have been filed with the Office, and with the provisions of applicable governmental requirements.

14:503-5 Discontinuance of Service

14:503-5a Basis of Discontinuance - The CATV company shall, upon reasonable notice, when it can be reasonably given, have the right to suspend or curtail or discontinue service for the following reasons:

1. For the purpose of making permanent or temporary repairs, changes or improvements in any part of its system.

2. For compliance in good faith with any governmental order or directive, notwithstanding such order or directive subsequently may be held to be invalid.

3. For any of the following acts or omissions on the part of the subscriber:

(a) Non-payment of a valid bill due for service furnished at a present or previous location in accordance with the further requirements stipulated in 14:507-5e. However, nonpayment for business service shall not be a reason for discontinuance of residence service without the prior approval of the Office.

(b) Tampering with any facility of the CATV company.

(c) Fraudulent representation in relation to the use of the service within the subscriber's premises.

(d) Subscriber moving from the premises, unless the subscriber requests that service be continued.

(e) Providing cable television service to others through

the "tapping" of the CATV company's system without approval of the company.

(f) Refusal to contract for service where such contract is required by the filed tariff.

(g) Failure to make or increase an advance payment or deposit as provided for in these regulations or the tariff.

(h) Connecting and operating in such manner as to produce disturbing effects on the service of the CATV company or other subscribers.

(i) Failure of the subscriber to comply with any reasonable standard terms and conditions contained in the CATV company's tariff.

(j) Where the condition of the subscriber's installation presents a hazard to life or property.

(k) Failure of subscriber to repair any faulty television or FM receiver or other CATV receiving facility belonging to the subscriber.

4. For refusal of reasonable access to subscriber's premises for necessary purposes in connection with rendering of service, including the proper and legal maintenance or removal of the CATV company's property.

A subscriber wishing to discontinue service must give notice to that effect. Where such notice is not received by the CATV company, the subscriber shall be liable for service until such notice is received by the CATV company. Notice to discontinue service will not relieve a subscriber from any

minimum or guaranteed payment under any contract or rate.

14:503-5b Basis for Restoration - Service shall be restored upon proper application when the conditions under which such service was discontinued are corrected, and upon the payment of all proper charges due from the subscriber provided in the tariff of the CATV company if the Office so directs when a complaint involving such matter is pending before it.

14:503-6 Access to Customer's Premises - The CATV company shall have the right of reasonable access to subscribers' premises, and to all property furnished by the CATV company at all reasonable times for the purpose of inspection of premises incident to the installation of service, inspecting, testing, or repairing its facilities used in connection with supplying the service, or for the removal of its property. The subscriber shall obtain, or cause to be obtained, all permits needed by the CATV company for access to the company's facilities at the subscriber's terminal. Access to the CATV company's facilities shall not be given except to authorized employees of the company or duly authorized governmental officials, who shall present proper identification.

In the case of defective service, the subscriber shall not interfere or tamper with the apparatus belonging to the CATV company but shall immediately notify the CATV company to have the defects remedied.

14:503-7 Interruptions - Each CATV company shall exercise reasonable diligence to avoid interruptions, curtailments, or deficiencies (hereinafter referred to as interruptions) of service and, when such interruptions occur, service shall be restored as promptly as possible consistent with safe practice. Each CATV company shall keep a record for a period of one year of each interruption of service.

Records of the major interruptions of service shall be kept in a manner suitable for analysis for the purpose of minimizing possible future interruptions and shall include the time, cause and duration of the interruptions as well as the remedial action taken. Interruptions to service by reason of any act of God, accident, strike, legal process, or governmental interference, where service to subscribers is interrupted for at least two hours in accordance with the chart below:

Subscribers Served	Interrupted
500 or less	20
501 to 1,000	50
1,001 to 10,000	100
10,001 to 100,000	200
100,001 or more	1,000

shall be reported to the Office by each CATV company by the speediest means of communication available followed by a detailed written report.

Planned interruptions for operating reasons shall always be preceded by reasonable notice, preferably on the local origination channel, to all affected subscribers, and the work shall be planned to minimize subscriber's inconvenience.

14:504 TESTING OF SERVICE

14:504-1 Equipment for Testing - A list of testing equipment by which annual system testing performance tests may be conducted pursuant to the rules now promulgated or which may be promulgated by the F.C.C. or the Office and the location of such equipment shall be filed with the Office. Such equipment shall be available, upon reasonable request by the Office, for such additional or special tests as may be required. Nothing herein shall preclude any CATV company from contracting for such testing service or from "pooling" equipment with other companies, except that all information pertaining to such contract or "pool" shall be filed with the Office.

14:504-2 Complaints - (Reserved)

14:504-3 Proof of Performance - A report shall be filed with the Office annually giving a summary of all performance tests conducted. Forms on which reports are to be made will be furnished by the Office.

14:505 OFFICES

14:505-1 Location - Each CATV company shall maintain, in or within reasonable proximity of its service area, an office, the current location of which shall be furnished to the Office where applications for service, complaints, service inquiries, bill payments, etc. will be received.

Each CATV company shall furnish the Office with the current location of its offices where maps and records showing the various service areas and facilities are available to supply, upon reasonable request, information to subscribers, governmental bodies, utilities, other CATV companies and contractors.

14:505-2 Personnel To Be Contacted - Each CATV company shall furnish to the Office and keep current a list of names, addresses and telephone numbers of responsible officials to be contacted in connection with routine matters during normal working hours.

Each CATV company shall also furnish to the Office and keep current a list of names, addresses and telephone numbers of responsible officials who may be contacted in event of emergency during other than normal workhours.

14:506 RECORDS

Each CATV company shall notify the Office, upon request, of the location of its office or offices at which various records are kept. These records shall be open for examination by the Office's representatives.

14:506-1 Plant and Operating Records - Each CATV company shall maintain adequate maps or records reflecting the latest available information and data concerning the size, type, location and date of installation of its major units of property.

Each CATV company shall keep for a period of one year a record of complaints in regard to service received at its office or offices, which shall include the name and address of the subscriber, the date, the nature of complaint, the tests conducted and corrective action taken if required, and the final disposition. The record shall be available for inspection by the Office's Staff.

14:506-2 Periodic Reports - Every CATV company shall file with the Office on or before March 31 of each year a summary of its finances and operations for the preceding calendar year on forms prescribed and furnished by the Office. In special instances CATV companies may be required to submit reports quarterly and monthly as directed by the Office. Other periodic reports shall be filed on or before the due date noted on the report form.

14:506-3 Accidents - Each CATV company shall keep a record of, and report to the Office, all accidents involving the operation or maintenance of its system on forms prescribed and furnished by the Office.

14:506-4 Public Records

1. The fee for copies of records, instruments and documents of the Board shall be the fee established pursuant to Chapter 73, P. L. 1963.

2. All records which are required to be made, maintained or kept by and for the Office which relate to accidents and investigation of accidents (provided such investigation have been completed) concerning CATV companies and to performance tests, safety inspections and surveys of property and equipment of CATV companies shall be deemed public records, copies of which may be purchased or reproduced under the provisions of Chapter 73, P. L. 1963.

3. This regulation (14:506-2) shall take effect April 23, 1973, and shall remain in force and effect until amended, modified, repealed or terminated by action of the Director of the Office, the Board or Governor.

14:507 BILLS AND PAYMENTS FOR SERVICE

14:507-1 Deposits to Insure Credit - Where the credit of a subscriber is not established or where a subscriber is in default in the payment of bills, the CATV company may require a reasonable deposit as a condition of supplying service or continuing service.

The credit established, by whatever method, shall apply at any location within the area of the CATV company furnishing the service; that is, service is not to be regarded as restricted to a particular location.

The amount of a deposit shall be reasonably related to the charge for service during a billing period, provided such period does not exceed two months.

In all cases where bills are rendered quarterly, semi-annually or annually, the amount of deposit shall not exceed the estimated average charge for service during any two months of the billing period.

In determining the amount of any deposit, there shall be excluded from the average bill such portion thereof, if any, for which payment is received in advance.

Simple interest, at the rate of at least 6% per annum, must be paid by the CATV company on all credit deposits held by it, provided the deposit has remained with the CATV company for at least six months. Monies collected as deposits, pursuant to this section, shall be held in a separate account and shall not be used for any purpose other than the maintenance of subscriber accounts.

Where a subscriber is in default in the payment of bills, service shall not be discontinued for failure to make such deposit except after proper notice, in accordance with 14:507-5e.

If a subscriber who has made a deposit fails to pay a bill, the CATV company may apply such deposit insofar as is necessary to liquidate the bill and may require that the deposit be restored to its original amount.

14:507-2 Deposits on Auxiliary Equipment

When a CATV company supplies auxiliary equipment, such as a converter or other modifying device, to a subscriber's CATV receiving facility, the company may require the payment of a reasonable deposit thereon, provided, however, that said deposit shall not exceed the replacement cost of the unit(s).

The simple interest provision of 14:507-1 shall apply to auxiliary equipment deposits. However, monies collected as deposits pursuant to this section may be used by the CATV company to defray the cost of and service to such unit(s).

If the CATV company is required to replace or repair the unit(s) because of subscriber abuse, the company may apply such deposit insofar as is necessary and may require that the deposit be restored to its original amount.

14:507-3 Receipts and Records - The CATV company shall furnish a receipt to each subscriber who has made a deposit. Where return of the deposit is made in cash, surrender of the receipt or, in lieu thereof, proof of identity may be required.

14:507-4 Return of Deposits - Upon closing any account the balance of any deposit remaining after the closing bill for service has been settled shall be returned promptly to the depositor with interest due.

With reference to 14:507-1, each CATV company shall review a subscriber's account at least once every two years, and if such review indicates that the subscriber has established

credit satisfactory to the CATV company, then the outstanding deposit shall be refunded to the subscriber.

With reference to 14:507-2, the amount of deposit shall be refunded to the subscriber upon termination of service and return of the unit(s) in good condition, reasonable wear and tear excepted. If any portion of the deposit is required to offset the cost of replacement or repair necessitated by customer abuse to such unit(s), the difference between such cost and the amount of deposit shall be refunded to the subscriber.

14:507-5 Bills for Service

14:507-5a Information for Subscribers - Each CATV company shall adopt some method of informing its subscribers as to the address of an office where complaints, service inquiries and bill payments will be received.

14:507-5b Record of Subscriber's Account - Each CATV company shall keep a record of each subscriber's account in such a manner as will permit computation of the bill for any billing period occurring within three years.

14:507-5c Form of Bill -

The bill shall show:

1. Name and address and telephone number of the CATV company.
2. The period of the bill.
3. Identification of the applicable rate schedule. If the applicable rates are not shown, the bill shall carry a statement to the effect that the applicable rate will be furnished upon request.
4. The amount of the bill.

14:507-5d Method of Billing - Bills for cable television service shall be rendered monthly, bi-monthly, quarterly, semi-annually or annually and shall be prorated upon establishment and termination of service. In unusual credit situations, bills may be rendered at shorter intervals.

Cable television seasonal service may be billed in accordance with reasonable terms and conditions of service set forth in the filed tariff.

A CATV company may, under uniform nondiscriminatory terms and conditions, require payment in advance, for a period not to exceed that for which bills are regularly rendered, as specified in its applicable filed tariff. Such advance payment shall reflect an appropriate discount for the period involved. Unless otherwise provided for in the applicable filed tariff, initial and final bills shall be prorated as of the date of the initial establishment and final termination of service. Nothing herein shall preclude a CATV company from issuing 'payment books which conform to the above requirements.

14:507-5e Notice of Discontinuance - At least 15 days' time for each payment shall be allowed after sending a bill. A CATV company may discontinue service for nonpayment of bills, provided it gives the subscriber at least 15 days' written notice of its intention to discontinue. The notice of discontinuance shall not be served until the expiration of the said 15-day period. A new

notice shall be served by the CATV company each time the company intends to discontinue service for nonpayment of a bill. However, in case of fraud, illegal use, or when it is clearly indicated the subscriber is preparing to leave, immediate payment of accounts may be required.

14:507-5f Disputes - A CATV company shall not discontinue service because of nonpayment of bills in cases where a charge or service is in dispute, provided a request is made to the Office for an investigation of the disputed charge or service, and, in the case of a disputed bill, the undisputed charges are paid to the CATV company and a check in the amount of the disputed charges is placed with an escrow agent designated by the Office. In such cases, the CATV company shall notify the subscriber that unless steps are taken to invoke formal or informal action by the Office within five days, service will be discontinued for nonpayment.

14:508 LIABILITY INSURANCE

Any person operating a CATV company in accordance with the applicable statutes shall file with the Office two copies of a certificate of insurance.

Said certificate shall be signed by the issuing insurance company and shall state that the CATV company is insured in compliance with N.J.S.A. 48:5A-1 et seq. under the standard form of insurance policy, and, in addition thereto, they shall furnish information as to the types and amounts of all insurance coverage.

14:509 EXTENSIONS OF SERVICE - (Reserved)

14:510 TECHNICAL STANDARDS FOR SYSTEM OPERATION

The following requirements shall apply to CATV system performance as measured at any subscriber terminal with a matched termination, and to each of the cable television channels defined by the FCC Rules and Regulations, Part 76, Subpart A, Sec. 76.5, and all amendments thereto.

14:510-1 FCC Standards

Every CATV system providing Class I or Class II cable television channel service shall be required to do so in accordance with the technical standards specified in the FCC Rules and Regulations, Part 76 Subpart K, Sec. 76.605.

14:510-2 Additional Technical Standards

In addition to the requirements set forth in 14:510-1, the following shall apply to the carriage of Class I and Class II cable television channels or systems operating in the State of New Jersey:

14:510-2a FM (Broadcasting) Signal Level between 88 and 108 MHz shall be maintained between 100 microvolts and 500 microvolts across 75 ohms (-20 to -6 db mv), except that if the system carries TV channel 6, FM radio carriers transmitted between 88 MHz and 90 MHz shall be maintained at least 10 decibels below the level of the Channel 6 visual carrier.

14:510-2b System Carrier to Noise Ratio for each Class I channel on which a signal is delivered to subscribers within that signal's Grade B contour, or which was originally received within its Grade B contour, and

for each Class II channel shall be not less than 40 db.

14:510-2c Section 76.605(a)(10) shall be construed to mean that cross modulation as defined and measured in accordance with NCPA-002-0267 shall be at least 46 decibels below the desired visual carrier level in each Class I or Class II channel.

14:510-2d Section 76.605(a)(2) of the FCC rules shall be interpreted to require that in those systems that supply subscribers with a converter, the specified visual carrier frequency be maintained at the input to such converter.

14:510-3 Requirements for Subscriber Terminal Interface Channel Conversion Devices - The following requirements apply to any subscriber terminal interface channel conversion device, including set-top converters or block converters, supplied to subscribers in order to facilitate delivery of cable television channels.

14:510-3a The difference between input and output frequency shall not change more than ±250 KHz between 30 seconds and one hour after being first turned on in an ambient temmperature environment of about 70 degrees, F.

14:510-3b No converter shall be used with cable television systems in the State of New Jersey which develop more than 25 microvolts (-32 DBMV) signal level at the input terminals when properly matched, with the

output terminated at any frequency between 50 MHz and 300 MHz due to local oscillator leakage.

14:510-4 Requirements for Class III and Class IV Channels - Pending further technological developments, Class III or Class IV cable television channels shall be transmitted without material degradation and without objectionable interference to reception of Class I or Class II channels (within the limitations imposed by the technical state of the art).

14:510-5 Initial Performance Tests

14:510-5a Within 60 days of the commencement of service to subscribers on any portion of a new cable television system or on any extension of such system or on any substantial reconstruction or extension of a cable television system on which operations commenced on or after April 15, 1973, technical performance tests shall be conducted by the system operator directed at determining the extent to which the system complies with the technical standards set forth in 14:510-1, 14:510-2, and 14:510-3.

14:510-5b The initial performance tests shall be conducted, as appropriate, in accordance with the following schedule of test location:

14:510-5b1 At fifty subscriber terminals or 5% of the total potential subscriber terminals, whichever is smaller, selected at random. (Note: Subscriber tap ports may be tested in lieu of subscriber terminals, provided

that appropriate data is included to relate such measurements to system performance as viewed from a subscriber terminal.)

14:510-5b2 When subscriber tapoff devices are not installed as part of the initial system construction, the following schedule shall apply to trunk and distribution test points provided it can be demonstrated that the specifications herein would be met at the tapoff ports for subscriber terminals when installed.

14:510-5b2(a) At or near the extremity of each main trunk cable and each branch trunk of equivalent cascade provided that these points substantially represent the section under test.

14:510-5b2(b) At or near the extremity of a random sample of at least one feeder line for each fifty strand miles, but in no case fewer than five feeders in each system or hub distribution area.

14:510-5b3 At least 1% of all converter interface devices of each particular make and model supplied to subscribers shall be tested in the laboratory before installation.

14:510-5b4 In the event the measured performance at 10% or more of the sample locations selected in accordance with 14:510-5b1, 14:510-5b2 or 14:510-5b3, above, fails to comply with the technical standards set forth herein, additional samples shall be selected at random, and, after corrective steps have been taken throughout the system to assure compliance, shall be tested until the number of consecutive locations found to be in compliance equals the designated sample size.

In the event the measured performance at 10% or less of the sample locations selected in accordance with 14:510-5b1 or 14:510-5b2, above, fails to comply with the technical standards set forth herein, corrective measures upon the faulty portions of the sample shall be required with consecutive retesting until the entire sample is found to be in compliance with the technical standards set forth herein.

14:510-5b5 The tests specified in 14:510-4 at all monitor check points shall be made at the time of the initial performance tests to serve as reference guides for subsequent monitor point observations.

14:510-5c The engineer or technician responsible for conducting the tests shall determine the methods to be used and the specific characteristics to be measured at each location with respect to the relevant technical standards set forth or referenced herein and shall develop the forms to be used for reporting purposes.

14:510-5d The report on initial performance measurements shall be submitted to the Office of Cable Television, where it will be available for public inspection.

14:510-5e In addition to the above tests to prove initial performance, the signal level on all active Class I and Class II channels shall be measured at subscriber's terminals at not fewer than 20% of all new installations within sixty days of such installation. The data should be recorded and filed at the local office.

These measurements may be made by any system employee trained in the proper use of the Signal Level Meter.

14:510-6 Annual Tests to Determine the Extent of Compliance -

14:510-6a Annual tests required by Sec. 76.601(c) of FCC rules shall be extended to include the additional technical standards set forth in 14:510-2a through 14:510-2d, herein.

14:510-6b The monitor check points shall be recorded by measurements of system carrier to noise ratio and the amplitude of coherent disturbances at the time of the annual tests required by FCC.

14:510-6c The report on annual measurements shall be filed with the Office of Cable Television.

14:510-7 Monitor Point Tests -

14:510-7a Monitor check points shall be designated by each system operator in accordance with the following:

14:510-7a1 The minimum number of monitor points shall be three (3) for each distribution hub, plus one (1) additional point for each 100 strand or route miles (or fraction thereof) of cable plant in each hub, in regular operation.

14:510-7a2 Monitor points shall be at or near the output of the last amplifier in the longest feeder line connected to trunk amplifiers selected by the operator to be representative of performance in all parts of the system. At least three (3) such monitor points shall be at or near the extremities of the longest trunk lines.

14:510-7a3 It is recommended, but not required, that test point terminals be installed at each monitor

point to facilitate taking readings at convenient locations. Furthermore, all monitor points should be in public rights-of-way, accessible to authorized persons at any time without requiring special permission, and should be so located as not to present a safety hazard to personnel engaged in performing the necessary tests.

14:510-7b The following data shall be collected at each monitor point at least once each calendar month, at intervals not to exceed forty days:

14:510-7b1 Signal levels of each Class I or Class II carrier and all pilot carriers, if any.

14:510-7b2 Signal carrier to noise ratio at not fewer than three frequencies within the pass-band of the system. This measurement should be performed without interrupting service to subscribers and may be made by tuning the meter away from the carrier to a nearby guard band or vacant channel, provided that the measurement must always be made in the same manner.

14:510-7b3 The results of subjective observation of picture quality by the technician with respect to visible beats, visible hum, electrical impulse noise, sharpness, color defects, "ghosts," cross-modulation, etc.

14:510-7c A log of the monthly measurements at monitor points shall be kept on file for five (5) years at the local office of the system and shall be available for the inspection on request by authorized representatives of the Office.

14:510-7d The record for continuing monitor check point observations is the complete data obtained in the initial performance tests. Any subsequent changes in monitor points or monthly test procedures shall be accompanied by such additional data as may be required for proper evaluation.

14:510-8 Special Provisions for Older Systems and for Small Systems -

14:510-8a Cable television systems in the State of New Jersey which have been granted a Certificate of Approval based upon the fact that they were legally operating, constructing, or extending their system prior to December 15, 1972, shall be required to comply with the technical performance standards and measurement procedures set forth herein in accordance with the following schedule:

14:510-8a1 Compliance with all provisions of 14:510-2a through 14:510-2d will be required within five years of the issuance date of the Certificate of Approval.

14:510-8a2 Testing of initial performance set forth in 14:510-5 will be required within sixty days following completion of substantial rebuilding or extension of any existing system commenced after December 15, 1972.

14:510-8a3 The monitor check points shall be designated and monthly observations commenced before one year of the issuance date of the Certificate of Approval.

14:510-8a4 The Office of Cable Television may request certain specific tests at any time and, where necessary

and feasible, may order earlier compliance with specific technical performance standards.

14:511 APPLICATION BY CATV COMPANIES FOR MUNICIPAL CONSENT

No standard application blank is prescribed in connection with the filing of an application for municipal consent; however, three (3) copies of the following information, in the order stipulated, must be provided to the clerk of any municipality in which consent is requested. One additional copy shall be filed with the Office at the time of application.

14:511-1a Indicate name, addresses of all business offices, form of business of the applicant, and the date business was commenced. If the applicant is a partnership or joint venture, the application shall give the names and addresses of each participant and all details relating to the joint venture or partnership. If the applicant or any of the partners or participants in a joint venture is a corporation, the application shall show the names and addresses of its officers, directors, and stockholders owning more than 3% of the outstanding stock as measured by its book value. Data required as to one corporation's participation in a joint venture shall be submitted for each participant. In cases where corporate stock is held by another corporation, a parent, affiliate or subsidiary, the same details as to participants in the parent, affiliate or subsidiary corporation shall be required. The principal officers and places of business of each such corporation shall be included in the application. Attach, as Exhibit A, a copy of appli-

cant's certificate of incorporation or partnership agreement, if applicable.

14:511-1b Indicate name, address, and telephone number of the registered agent upon whom process can be served. Indicate the name and address of applicant's attorney, if different from registered agent.

14:511-1c List all CATV companies, those currently operating or those for which a franchise to operate is held, in this or any other state. Indicate location of franchise by state and municipality, current status of system operation, and construction schedule, including proposed date of completion.

14:511-1d Indicate whether and in what way any corporation, partnership, association or individual, other than the stockholders or principals set forth in accordance with 14:511-1a above has any financial interest, legal or equitable, directly or indirectly, in the operations of the company corporation.

14:511-1e Indicate whether applicant or any party to the application has now, has ever had, or anticipates having an interest or connection with a television broadcast station of which the proposed franchise area is in its Grade B contour; the newspaper media and its affiliates, of which the proposed franchise area is included in their major circulation areas; TV or radio sales or repair service; other media, including, but not limited to, news magazines or standard or FM radio stations,

a telephone company, or any communications common carrier not already listed.

14:511-1f Indicate whether applicant or any party to the application has had any public license, including, but not limited to, radio or TV station, revoked or suspended by order or decree of any court or administative agency.

14:511-1g Indicate whether the SEC has instituted any legal or administrative action against the applicant or any party to the application.

14:500-1h Indicate whether the applicant or any party to this application has been found guilty by a federal court of a violation of the laws of the United States relating to unlawful restraints and monopolies and to combinations or agreements in restraint of trade.

14:511-1i Indicate whether applicant or any party to the application has been found guilty or civilly liable by any court or any administrative agency of (1) any felony; (2) any charge of libel, slander, obscenity, or invasion of privacy; (3) the violation of any state, territorial, or local law relating to unlawful lotteries, restraints, and monopolies and combinations, contracts or agreements in restraint of trade; (4) using unfair methods of competition.

14:511-1j Indicate whether there is pending in any court or administrative body against the applicant or any party to the application any action involving any of the matters referred to in statements 14:511-1f through 14:511-1i.

14:511-1k Indicate whether voluntary proceedings in bankruptcy have ever been filed by the applicant or any party to the application.

14:511-1(1) Indicate whether there are any outstanding unsatisfied judgments or decrees against the applicant or any party to the application.

14:511-2 Technical Aspects of Application

14:511-2a Technical Qualifications of Applicant - Indicate name, address and qualifications of applicant's chief engineer and the name(s), address(es), position(s) and qualification(s) of the person(s) who will direct the day-to-day operations of the system.

14:511-2b Technical Proposals of Applicant - System Design -

14:511-2b1 Describe the CATV system proposed to be installed and operated. Include details as to type and specifications of equipment proposed to be used, both at the head end and at subscriber terminals; the type, characteristics, and lengths of all trunk and feeder cables and the type and specifications of all cascaded amplifiers. If microwave or other similar transmission services are proposed, include information as to any arrangements made or proposed to be made concerning use of such transmission facilities. Attach, as Exhibit B, a preliminary engineering analysis as to the technical capability of the proposed system to provide the services proposed.

14:511-2b2 Describe the site proposed to be used for head end facilities. Indicate reasons for the selection of the

proposed site in comparison with other possible alternatives.

14:511-2b3 Attach, as Exhibit C, a map showing the proposed service area, the location of the head end facilities, and the routes of the transmission and distribution cables proposed to be installed initially.

14:511-2b4 Attach, as Exhibit D, a comprehensive construction schedule for the proposed system. Include proposed "in-service" dates for all services. Attach, as Exhibit E, a map depicting the proposed year-by-year extension of transmission and distribution facilities.

14:511-2c Technical Proposals of Applicant - Service -

14:511-2c1 Describe all services proposed to be carried; provide the following information: (a) with reference to broadcast television stations, include information as to the call letters, city and state of signal origination, channel designation (broadcast and cable), and proposed hours of operation on the cable system; (b) with reference to standard or FM radio stations (for all-band FM stations, write only "all-band"), include information as to the call letters, city and state of signal origination, channel designation and proposed hours of operation on the cable system; (c) with reference to program origination, indicate the hours of proposed operation per week, the type of program to be carried (news, sports, public affairs, etc.), the source of origination (local, cable network, etc.) and the channel's designation; (d) with reference to those channel(s) proposed

to be used for public access, indicate the operating rules, the procedures for format and allocation, production facilities available and the hours of operation and designate the channel(s) being utilized; (e) with reference to the educational access channel(s), specify proposals as to method of determining users, order of access and time allocations, and production equipment and facilities available and designate the channel(s) to be utilized; (f) with reference to the government access channel(s), specify proposed operating rules and designate the channel(s) to be used; (g) with reference to leased access channels, specify proposed operating rules and access and allocation requirements, and designate the channel(s) to be utilized; (h) with reference to any other service applicant proposes to provide, indicate the type of service, the hours of operation and channels designated to carry the service.

14:511-2c2 Indicate the total number of channels applicant plans to operate and the total reserved for future use.

14:511-3 Tariff Proposals for Service -

14:511-3a Attach, as Exhibit F, a schedule of all proposed rates, including, but not limited to, information as to the following

(1) basic installation charges

(2) basic service charges

(3) additional installation and service charges

(4) FM radio charges

(5) deposit charges

(6) access channel or time leasing charges

(7) charges to advertisers

(8) applicable production facility and equipment charges

14:511-3b Attach, as Exhibit EE, all terms and conditions required for the provision of service.

14:511-4 Financial Aspects of Applicant -

14:511-4a Indicate the name, address and telephone number of applicant's accountant.

14:511-4b Attach, as Exhibit G, current financial statements of the applicant, including individual statements for each participant in any joint venture. If any party to the application is an operating CATV company, attach as Exhibit F-1 a copy of its most recent FCC Annual Report.

14:511-4c Indicate the manner in which applicant proposes to finance the system construction and operation. Attach, as Exhibit G, any agreements which have been made or are to be made for such financing.

14:511-4d Attach, as Exhibits H, I, and J, respectively, applicant's pro forma estimates (Balance Sheet, Profit and Loss Statement and Income Statement) for a period of six years.

14:511-5 Insurance and Bonding Aspects of Application

14:511-5a Indicate the types and amounts of insurance coverage applicant proposes to carry. Binder insurance coverage may be accepted at this time.

14:511-5b Indicate the amount of bond applicant proposes to file with the municipality.

14:511-6 Other Aspects of Application -

14:511-6a The application shall include a declaration that the applicant shall undertake to hold the municipality harmless from any liability arising out of the system's operation or construction.

14:511-6b The application shall include a verification by the applicant that the application is true and complete.

14:512 GENERAL

14.512-1 Regulations not Retroactive - The foregoing regulations shall not be construed to be retroactive with respect to the construction of facilities.

14:512-2 Deviation and Modification - Should conditions exist where a deviation from any of these regulations should be made to suit such conditions, petition may be made to the Office for such deviation.

These regulations may be amended or modified by the Office from time to time upon due notice and in accordance with applicable statutes.

14:512-3 Tariffs

14:512-3a Conflict - Where these regulations are in conflict with any terms and conditions contained in any CATV company's tariff, these regulations shall govern, unless otherwise authorized by the Office with the approval of the Board.

A CATV company's tariff shall not be construed to be in conflict with these regulations if said tariff

provides for more liberal treatment of subscribers than that provided for in these regulations.

14:512-3b Discrimination in Rates - No CATV company shall impose any excessive, unreasonable, unjustly discriminatory or unduly preferential individual or joint rate, charge or schedule for any service supplied or rendered by the CATV company.

No CATV company shall adopt any unjust, unreasonable or discriminatory classification in the making or as the basis of any individual or joint rate, charge or schedule for any service rendered by the CATV company.

14:512-4 Authority - These regulations are made and promulgated pursuant to authority vested in the Office and Board by N.J.S.A. 48:5A-1 et seq. and shall be construed in conformity with, and not in derogation of, such statute.

14:512-5 Prior Regulations - Except as otherwise provided herein, rules, regulations and standards heretofore promulgated with respect to the subject matter encompassed by these regulations are hereby superseded and revoked.